UNITED NATIONS

MC

UNEP/MC/COP.2/3

Distr.: General
11 July 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 3 of the provisional agenda*
Rules of procedure for the Conference of the Parties

Rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury

Note by the secretariat

1. At its first meeting, the Conference of the Parties to the Minamata Convention on Mercury adopted, in decision MC-1/1, the rules of procedure, with the exception of the second sentence of paragraph 1 of rule 45 and paragraph 3 of rule 45.

2. The secretariat presents, for the consideration of the second meeting of the Conference of the Parties, the text of rule 45 as presented in decision MC-1/1. This text is set out in annex I to the present note. The bracketed text remaining in rule 45 relates, in paragraph 1, to the option to take a decision on matters of substance by means of voting, should all efforts to reach consensus fail. The bracketed text in paragraph 3 relates to the mechanism used to decide whether a matter before the Conference should be considered a matter of substance or a matter of procedure.

3. A draft decision providing for the adoption of this outstanding rule is set out in annex II to the present note.

Suggested action by the Conference of the Parties

4. The Conference may wish to consider and adopt the outstanding rule.

* UNEP/MC/COP.2/1.

K1801680 220818

Annex I

Rule 45 of the rules of procedure for the Conference of the Parties to the Minamata Convention on Mercury

Rule 45

1. The parties shall make every effort to reach agreement on all matters of substance by consensus. [If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the parties present and voting, unless otherwise provided by the Convention, by the financial rules referred to in paragraph 4 of article 23 of the Convention or by the present rules of procedure.]

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority of the parties present and voting.

[3. If the question arises of whether a matter is of a procedural or a substantive nature, [this matter shall be considered as a matter of substance.] [the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately [and the President's ruling shall stand unless overruled by a majority of the parties present and voting.]] [and the matter shall be treated as substantive unless determined to be procedural by a two-thirds majority of the parties present and voting.]]

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

Annex II

Draft decision MC-2/[XX]: Rules of procedure

The Conference of the Parties,

Recalling paragraph 4 of Article 23 of the Minamata Convention on Mercury,

Having resolved outstanding issues pertaining to rule 45,

Decides to adopt rule 45 of the rules of procedure for the Conference of the Parties as set out in the annex to the present decision.

UNITED NATIONS

MC

UNEP/MC/COP.2/4

Distr.: General
18 July 2018

Original: English

United Nations Environment Programme

Conference of the Parties to the Minamata Convention on Mercury
Second meeting
Geneva, 19–23 November 2018
Item 5 (a) of the provisional agenda*

Matters for consideration or action by the Conference of the Parties: releases

Guidance in relation to mercury releases

Note by the secretariat

1. At its first meeting, the Conference of the Parties to the Minamata Convention on Mercury considered the development of guidance in relation to mercury releases as required pursuant to paragraph 7 of article 9. To provide clarity regarding the nature of such releases, the Conference of the Parties, in its decision MC-1/17, encouraged parties to identify relevant point sources at the national level pursuant to paragraphs 2 (b) and 3 of article 9 as soon as possible, and to submit information to the secretariat on the identified relevant sources.

2. By that decision, the secretariat was requested to compile submissions from parties and provide such information to the Conference of the Parties at its second meeting.

3. The secretariat circulated a call for submissions in November 2017, including a request to parties to submit information on the identified relevant sources. The deadline for submissions was set at 30 June 2018. This call was circulated to all parties and other stakeholders, particularly those who had attended the first meeting. Subsequently, a reminder was sent to the same distribution list.

4. As at 9 July 2018, submissions had been received from two parties to the Convention. Both parties indicated in their submissions that they had considered sources of releases of mercury and mercury compounds within their territory and had not identified any sources that fell under the definition provided in paragraph 2 (b) of article 9 of the Convention, namely "any significant anthropogenic point source of release as identified by a Party that is not addressed in other provisions" of the Convention. The submissions are available on the Convention website at http://mercuryconvention.org/Meetings/Intersessionalnbsp;work/tabid/6325/language/en-US/Default.aspx.

5. While the Conference of the Parties in its decision encouraged parties to identify relevant point sources at the national level pursuant to paragraphs 2 (b) and 3 of article 9 as soon as possible, the obligation under article 9 is for parties to do this "no later than three years after the date of entry into force of the Convention for [the party in question] and on a regular basis thereafter". Furthermore, parties are required to include information on implementation of this article in reports submitted pursuant to Article 21. The Conference of the Parties in its decision MC-1/8 decided that the first full reports should be submitted by 31 December 2021. By that time, the extent and nature of releases will be clearer, and the Conference of the Parties will be better placed to develop relevant guidance on their management.

* UNEP/MC/COP.2/1.

K1801750 220818

Suggested action by the Conference of the Parties

6. As there are currently no identified relevant sources of releases under article 9 of the Convention, the Conference of the Parties may wish to defer any work on the development of guidance on best available techniques and best environmental practices until after the first full reports from parties by 31 December 2021. Parties may wish to provide relevant information to the secretariat as it becomes available, and the Conference of the Parties may wish to reconsider the issue at its first meeting after the submission of the full reports. A draft decision is set out in the annex to this note.

Annex

Draft decision MC-2/[XX]: Releases

The Conference of the Parties,

Recognizing the requirement for the Conference of the Parties to adopt, as soon as practicable, guidance on best available techniques and best environmental practices for controlling releases from relevant sources, and on the methodology for preparing inventories of releases from such sources,

Noting that, to date, no information has been submitted identifying relevant point sources within the scope of article 9,

Recognizing that Parties will report on their relevant sources of releases and on measures for controlling them in their reports pursuant to Article 21,

1. *Decides* to take action on the development of guidance on best available techniques and best environmental practices to control releases from relevant sources, following consideration of the reports from Parties pursuant to Article 21;

2. *Encourages* the submission of available information on relevant point sources to the secretariat in the interim period pending submission of the full reports pursuant to Article 21;

3. *Requests* the secretariat to compile information from the reports of Parties and other sources, and to provide such information to the Conference of the Parties at its first meeting following the submission of full reports.